

Senate Study Bill 1082 - Introduced

SENATE/HOUSE FILE _____

BY (PROPOSED DEPARTMENT OF
HOMELAND SECURITY AND
EMERGENCY MANAGEMENT BILL)

A BILL FOR

1 An Act relating to 911 emergency telephone and internet
2 communication systems and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 34A.1, Code 2017, is amended to read as
2 follows:

3 **34A.1 Purpose.**

4 The general assembly finds that ~~enhanced~~ 911 emergency
5 telephone communication systems and other emergency 911
6 notification devices further the public interest and protect
7 the health, safety, and welfare of the people of Iowa. The
8 purpose of *this chapter* is to enable the orderly development,
9 installation, and operation of ~~enhanced~~ 911 emergency telephone
10 communication systems and other emergency 911 notification
11 devices statewide. These systems are to be operated under
12 governmental management and control for the public benefit.

13 Sec. 2. Section 34A.2, Code 2017, is amended to read as
14 follows:

15 **34A.2 Definitions.**

16 As used in *this chapter*, unless the context otherwise
17 requires:

18 1. "911 service area" means the geographic area encompassing
19 at least one entire county, and which may encompass a
20 geographical area outside the one entire county not restricted
21 to county boundaries, serviced or to be serviced under a 911
22 service plan.

23 2. "911 service plan" means a plan that includes the
24 following information:

25 a. A description of the 911 service area.

26 b. A list of all public and private safety agencies within
27 the 911 service area.

28 c. The number of public safety answering points within the
29 911 service area.

30 d. Identification of the agency responsible for management
31 and supervision of the 911 emergency communication system.

32 e. (1) A statement of estimated costs to be incurred by
33 the joint 911 service board or the department of public safety,
34 including separate estimates of the following:

35 (a) Nonrecurring costs, including but not limited to public

1 safety answering points, network equipment, software, database,
2 addressing, training, and other capital expenditures, including
3 the purchase or lease of subscriber names, addresses, and
4 telephone information from the local exchange service provider.

5 (b) Recurring costs, including but not limited to
6 network access fees and other telephone charges, software,
7 equipment, and database management, and maintenance, including
8 the purchase or lease of subscriber names, addresses, and
9 telephone information from the local exchange service provider.
10 Recurring costs shall not include personnel costs for a public
11 safety answering point.

12 (2) Funds deposited in a 911 service fund are appropriated
13 and shall be used for the payment of costs that are limited to
14 nonrecurring and recurring costs directly attributable to the
15 receipt and disposition of the 911 call. Costs do not include
16 expenditures for any other purpose, and specifically exclude
17 costs attributable to other emergency services or expenditures
18 for buildings or personnel, except for the costs of personnel
19 for database management and personnel directly associated with
20 addressing.

21 f. Current equipment operated by affected local exchange
22 service providers, and central office equipment and technology
23 upgrades necessary for the provider to implement 911 service
24 within the 911 service area.

25 g. A schedule for implementation of the plan throughout
26 the 911 service area. The schedule may provide for phased
27 implementation.

28 h. The number of telephone access lines and voice over
29 internet protocol service connections capable of access to 911
30 in the 911 service area.

31 i. The total property valuation in the 911 service area.

32 j. A plan to migrate to a next generation 911 network.

33 1- 3. "Access line" means an exchange access line that
34 has the ability to access dial tone and reach a public safety
35 answering point.

1 ~~2.~~ 4. *"Communications service"* means a service capable
2 of accessing, connecting with, or interfacing with a 911
3 system by dialing, initializing, or otherwise activating the
4 system exclusively through the digits 911 by means of a local
5 telephone device, or wireless communications device, or any
6 other device capable of interfacing with the 911 system.

7 ~~3.~~ ~~*"Communications service provider"* means a service~~
8 ~~provider, public or private, that transports information~~
9 ~~electronically via landline, wireless, internet, cable, or~~
10 ~~satellite.~~

11 ~~4.~~ 5. *"Competitive local exchange service provider"* means
12 the same as defined in [section 476.96](#).

13 ~~5.~~ 6. *"Director"* means the director of the department of
14 homeland security and emergency management.

15 ~~6.~~ 7. *"Emergency communications service surcharge"* means a
16 charge established by the program manager in accordance with
17 section 34A.7A.

18 8. *"Emergency services internet protocol network" or "ESInet"*
19 means a system using broadband packet-switched technology that
20 is capable of supporting the transmission of varying types of
21 data to be shared by all public or private safety agencies that
22 are involved in an emergency.

23 ~~7.~~ 9. *"Enhanced 911" or "E911"* means a service that
24 provides the user of a communications service with the ability
25 to reach a public safety answering point by using the digits
26 911, and that has the following additional features:

27 a. Routes an incoming 911 call to the appropriate public
28 safety answering point.

29 b. Automatically provides voice, displays the name, address
30 or location, and telephone number of an incoming 911 call and
31 public safety agency servicing the location.

32 ~~8.~~ ~~*"Enhanced 911 service area"* means the geographic area~~
33 ~~to be serviced, or currently serviced under an enhanced 911~~
34 ~~service plan, provided that an enhanced 911 service area must~~
35 ~~at minimum encompass one entire county. The enhanced 911~~

1 ~~service area may encompass more than one county, and need not~~
2 ~~be restricted to county boundaries.~~

3 ~~9. "Enhanced 911 service plan" means a plan that includes~~
4 ~~the following information:~~

5 ~~a. A description of the enhanced 911 service area.~~

6 ~~b. A list of all public and private safety agencies within~~
7 ~~the enhanced 911 service area.~~

8 ~~c. The number of public safety answering points within the~~
9 ~~enhanced 911 service area.~~

10 ~~d. Identification of the agency responsible for management~~
11 ~~and supervision of the enhanced 911 emergency communication~~
12 ~~system.~~

13 ~~e. (1) A statement of estimated costs to be incurred by the~~
14 ~~joint E911 service board or the department of public safety,~~
15 ~~including separate estimates of the following:~~

16 ~~(a) Nonrecurring costs, including but not limited to public~~
17 ~~safety answering points, network equipment, software, database,~~
18 ~~addressing, training, and other capital expenditures, including~~
19 ~~the purchase or lease of subscriber names, addresses, and~~
20 ~~telephone information from the local exchange service provider.~~

21 ~~(b) Recurring costs, including but not limited to~~
22 ~~network access fees and other telephone charges, software,~~
23 ~~equipment, and database management, and maintenance, including~~
24 ~~the purchase or lease of subscriber names, addresses, and~~
25 ~~telephone information from the local exchange service provider.~~
26 ~~Recurring costs shall not include personnel costs for a public~~
27 ~~safety answering point.~~

28 ~~(2) Funds deposited in an E911 service fund are appropriated~~
29 ~~and shall be used for the payment of costs that are limited to~~
30 ~~nonrecurring and recurring costs directly attributable to the~~
31 ~~receipt and disposition of the 911 call. Costs do not include~~
32 ~~expenditures for any other purpose, and specifically exclude~~
33 ~~costs attributable to other emergency services or expenditures~~
34 ~~for buildings or personnel, except for the costs of personnel~~
35 ~~for database management and personnel directly associated with~~

1 addressing.

2 ~~f. Current equipment operated by affected local exchange~~
3 ~~service providers, and central office equipment and technology~~
4 ~~upgrades necessary for the provider to implement enhanced 911~~
5 ~~service within the enhanced 911 service area.~~

6 ~~g. A schedule for implementation of the plan throughout~~
7 ~~the E911 service area. The schedule may provide for phased~~
8 ~~implementation.~~

9 ~~h. The number of telephone access lines capable of access to~~
10 ~~911 in the enhanced 911 service area.~~

11 ~~i. The total property valuation in the enhanced 911 service~~
12 ~~area.~~

13 ~~j. A plan to migrate to an internet protocol-enabled next~~
14 ~~generation network.~~

15 10. "Geographic information system" or "GIS" means a system
16 designed to capture, store, manipulate, analyze, manage, and
17 present spatial or geographical data.

18 ~~10.~~ 11. "Local exchange carrier" means the same as defined
19 in section 476.96.

20 ~~11.~~ 12. "Local exchange service provider" means a vendor
21 engaged in providing telecommunications service between
22 points within an exchange and includes but is not limited to
23 a competitive local exchange service provider and a local
24 exchange carrier.

25 13. "Next generation 911 network" means an internet
26 protocol-enabled system that enables the public to transmit
27 digital information to public safety answering points
28 and replaces enhanced 911, and that includes ESInet, GIS,
29 cybersecurity, and other system components.

30 14. "Originating service provider" means a communications
31 provider that allows its users or subscribers to originate
32 911 voice or non-voice messages from the public to public
33 safety answering points, including but not limited to wireline,
34 wireless, and voice over internet protocol services.

35 ~~12.~~ 15. "Prepaid wireless telecommunications service"

1 means a wireless communications service that provides the
2 right to utilize mobile wireless service as well as other
3 nontelecommunications services, including the download
4 of digital products delivered electronically, content and
5 ancillary services, which must be paid for in advance and that
6 is sold in predetermined units or dollars of which the amount
7 declines with use in a known amount.

8 ~~13.~~ 16. "*Program manager*" means the ~~E911~~ 911 program
9 manager appointed pursuant to [section 34A.2A](#).

10 ~~14.~~ 17. "*Provider*" means a vendor who provides, or offers
11 to provide, ~~E911~~ 911 equipment, installation, maintenance, or
12 exchange access services within the ~~enhanced~~ 911 service area.

13 ~~15.~~ 18. "*Public or private safety agency*" means a unit
14 of state or local government, a special purpose district,
15 or a private firm which provides or has the authority to
16 provide fire fighting, police, ambulance, or emergency medical
17 services, or hazardous materials response.

18 ~~16.~~ 19. "*Public safety answering point*" means a
19 twenty-four-hour public safety communications facility that
20 receives ~~enhanced~~ 911 service calls and directly dispatches
21 emergency response services or relays calls to the appropriate
22 public or private safety agency.

23 20. "*Voice over internet protocol service*" means a service to
24 which all of the following apply:

25 a. The service provides real-time two-way voice
26 communications transmitted using internet protocol, or a
27 successor protocol.

28 b. The service is offered to the public, or such classes of
29 users as to be effectively available to the public.

30 c. The service has the capability to originate traffic
31 to, or terminate traffic from, the public switched telephone
32 network or a successor network.

33 ~~17.~~ 21. "*Wireless communications service*" means commercial
34 mobile radio service. "*Wireless communications service*"
35 includes any wireless two-way communications used in cellular

1 telephone service, personal communications service, or the
2 functional or competitive equivalent of a radio-telephone
3 communications line used in cellular telephone service, a
4 personal communications service, or a network access line.
5 *"Wireless communications service"* does not include a service
6 whose customers do not have access to 911 or 911-like service,
7 a communications channel utilized only for data transmission,
8 or a private telecommunications system.

9 ~~18.~~ 22. *"Wireless communications service provider"* means a
10 company that offers wireless communications service to users
11 of wireless devices including but not limited to cellular,
12 personal communications services, mobile satellite services,
13 and enhanced specialized mobile radio.

14 ~~19.~~ 23. *"Wireless E911 phase 1"* means a 911 call made from
15 a wireless device in which the wireless communications service
16 provider delivers the call-back number and address of the
17 tower that received the call to the appropriate public safety
18 answering point.

19 ~~20.~~ 24. *"Wireless E911 phase 2"* means a 911 call made from
20 a wireless device in which the wireless communications service
21 provider delivers the call-back number and the latitude and
22 longitude coordinates of the wireless device to the appropriate
23 public safety answering point.

24 ~~21.~~ 25. *"Wire-line ~~E911~~ 911 service surcharge"* means a
25 charge set by the ~~E911~~ 911 service area operating authority
26 and assessed on each wire-line access line which physically
27 terminates within the ~~E911~~ 911 service area in accordance with
28 section 34A.7.

29 Sec. 3. Section 34A.2A, subsections 1 and 2, Code 2017, are
30 amended to read as follows:

31 1. The director of the department of homeland security
32 and emergency management shall appoint ~~an E911~~ a 911 program
33 manager to administer **this chapter**.

34 2. The ~~E911~~ 911 program manager shall act under the
35 supervisory control of the director of the department of

1 homeland security and emergency management, and in consultation
2 with the ~~E911~~ 911 communications council, and shall perform the
3 duties specifically set forth in this chapter and as assigned
4 by the director.

5 Sec. 4. Section 34A.3, Code 2017, is amended to read as
6 follows:

7 **34A.3 Joint ~~E911~~ 911 service board — 911 service plan —**
8 **implementation — waivers.**

9 1. *Joint ~~E911~~ 911 service boards — plans.*

10 a. The board of supervisors of each county shall maintain a
11 joint ~~E911~~ 911 service board.

12 (1) Each political subdivision of the state having a
13 public safety agency serving territory within the county is
14 entitled to voting membership on the joint ~~E911~~ 911 service
15 board. For the purposes of this section, a township that
16 operates a volunteer fire department providing fire protection
17 services to the township, or a city which provides fire
18 protection services through the operation of a volunteer
19 fire department not financed through city government, shall
20 be considered a political subdivision of the state having a
21 public safety agency serving territory within the county. Each
22 private safety agency operating within the area is entitled to
23 nonvoting membership on the board.

24 (2) A township that does not operate its own public safety
25 agency, but contracts for the provision of public safety
26 services, is not entitled to membership on the joint ~~E911~~ 911
27 service board, but its contractor is entitled to membership
28 according to the contractor's status as a public or private
29 safety agency.

30 b. The joint ~~E911~~ 911 service board shall maintain an
31 ~~enhanced~~ a 911 service plan encompassing at minimum the entire
32 county, unless an exemption is granted by the program manager
33 permitting a smaller ~~E911~~ 911 service area.

34 (1) The program manager may grant a discretionary exemption
35 from the single county minimum service area requirement based

1 upon a joint ~~E911~~ 911 service board's or other ~~E911~~ 911 service
2 plan operating authority's presentation of evidence which
3 supports the requested exemption if the program manager finds
4 that local conditions make adherence to the minimum standard
5 unreasonable or technically infeasible and that the purposes
6 of this chapter would be furthered by granting an exemption.
7 The minimum size requirement is intended to prevent unnecessary
8 duplication of public safety answering points and minimize
9 other administrative, personnel, and equipment expenses.

10 (2) The program manager may order the inclusion of a
11 specific territory in an adjoining ~~E911~~ 911 service plan area
12 to avoid the creation by exclusion of a territory smaller than
13 a single county not serviced by surrounding ~~E911~~ 911 service
14 plan areas upon request of the joint ~~E911~~ 911 service board
15 representing the territory.

16 c. The ~~E911~~ 911 service plan operating authority shall
17 submit proposed changes to the plan to all of the following:

18 (1) The program manager.

19 (2) Public and private safety agencies in the ~~enhanced~~ 911
20 service area.

21 (3) Local exchange service providers affected by the
22 ~~enhanced~~ 911 service plan.

23 2. *Compliance waivers available in limited circumstances.*

24 a. The program manager may extend the time period for plan
25 implementation by issuing a compliance waiver.

26 b. The compliance waiver shall be based upon a joint ~~E911~~
27 911 service board's presentation of evidence which supports an
28 extension if the program manager finds that local conditions
29 make implementation financially unreasonable or technically
30 infeasible by the originally scheduled plan of implementation.

31 c. The compliance waiver shall be for a set period of time,
32 and subject to review and renewal or denial of renewal upon its
33 expiration.

34 d. The waiver may cover all or a portion of a 911 service
35 plan's ~~enhanced~~ 911 service area to facilitate phased

1 implementation when possible.

2 *e.* The granting of a compliance waiver does not create
3 a presumption that the identical or similar waiver will be
4 extended in the future.

5 *f.* Consideration of compliance waivers shall be on a
6 case-by-case basis.

7 3. *Chapter 28E agreement — alternative to joint ~~E911~~ 911*
8 *service board.*

9 *a.* A legal entity created pursuant to [chapter 28E](#) by a
10 county or counties, other political divisions, and public
11 or private agencies to jointly plan, implement, and operate
12 a countywide, or larger, ~~enhanced~~ 911 service system may be
13 substituted for the joint ~~E911~~ 911 service board required under
14 subsection 1. An alternative legal entity created pursuant to
15 chapter 28E as a substitute for a joint ~~E911~~ 911 service board,
16 as permitted by [this subsection](#), may be created by either:

17 (1) Agreement of the parties entitled to voting membership
18 on a joint ~~E911~~ 911 service board.

19 (2) Agreement of the members of a joint ~~E911~~ 911 service
20 board.

21 *b.* An alternative [chapter 28E](#) entity has all of the powers
22 of a joint ~~E911~~ 911 service board and any additional powers
23 granted by the agreement. As used in [this chapter](#), “*joint ~~E911~~*
24 *911 service board*” includes an alternative [chapter 28E](#) entity
25 created for that purpose, except as specifically limited by
26 the [chapter 28E](#) agreement or unless clearly provided otherwise
27 in [this chapter](#). A [chapter 28E](#) agreement related to ~~E911~~ 911
28 service shall permit the participation of a private safety
29 agency or other persons allowed to participate in a joint ~~E911~~
30 911 service board, but the terms, scope, and conditions of
31 participation are subject to the [chapter 28E](#) agreement.

32 4. *Participation in joint ~~E911~~ 911 service board required.* A
33 political subdivision having a public or private safety agency
34 within its territory or jurisdiction shall participate in a
35 joint ~~E911~~ 911 service board and cooperate in maintaining the

1 ~~E911~~ 911 service plan.

2 Sec. 5. Section 34A.4, Code 2017, is amended to read as
3 follows:

4 **34A.4 Requirements of pay telephones and other**
5 **telecommunications devices to allow 911 calls without depositing**
6 **coins or other charge.**

7 In an ~~enhanced~~ a 911 service area, a person shall not install
8 or offer for use within the ~~enhanced~~ 911 service area a pay
9 station telephone or other fixed device unless the telephone or
10 device is capable of making a 911 call without prior insertion
11 of a coin or payment of any other charge, and unless the
12 telephone or device displays notice of free 911 service.

13 Sec. 6. Section 34A.5, Code 2017, is amended to read as
14 follows:

15 **34A.5 Private listing subscribers and 911 service.**

16 Private listing subscribers in an ~~enhanced~~ a 911 service
17 area waive the privacy afforded by nonlisted or nonpublished
18 numbers to the extent that the name and address associated
19 with the telephone number may be furnished to the ~~enhanced~~ 911
20 service system, for all routing, for automatic retrieval of
21 location information, and for associated emergency services.

22 Sec. 7. Section 34A.7, Code 2017, is amended to read as
23 follows:

24 **34A.7 Funding — wire-line ~~E911~~ 911 service surcharge.**

25 When an ~~E911~~ a 911 service plan is implemented, the costs of
26 providing ~~E911~~ 911 service within an ~~E911~~ a 911 service area
27 are the responsibility of the joint ~~E911~~ 911 service board and
28 the member political subdivisions. Costs in excess of the
29 amount raised by imposition of the ~~E911~~ 911 service surcharge
30 provided for under **subsection 1** shall be paid by the joint
31 ~~E911~~ 911 service board from such revenue sources allocated
32 among the member political subdivisions as determined by the
33 joint ~~E911~~ 911 service board. Funding is not limited to the
34 surcharge, and surcharge revenues may be supplemented by other
35 permissible local and state revenue sources. A joint ~~E911~~

1 911 service board shall not commit a political subdivision to
2 appropriate property tax revenues to fund ~~an E911~~ a 911 service
3 plan without the consent of the political subdivision. A
4 joint ~~E911~~ 911 service board may approve ~~an E911~~ a 911 service
5 plan, including a funding formula requiring appropriations by
6 participating political subdivisions, subject to the approval
7 of the funding formula by each political subdivision. However,
8 a political subdivision may agree in advance to appropriate
9 property tax revenues or other moneys according to a formula or
10 plan developed by an alternative chapter 28E entity.

11 1. *Local wire-line ~~E911~~ 911 service surcharge imposition.*

12 a. To encourage local implementation of ~~E911~~ 911 service,
13 one source of funding for ~~E911~~ 911 emergency communication
14 systems shall come from a surcharge per month, per access line
15 on each access line subscriber, of one dollar.

16 b. The surcharge shall be imposed by order of the program
17 manager as follows:

18 (1) The program manager shall notify a local exchange
19 service provider scheduled to provide exchange access line
20 service to ~~an E911~~ a 911 service area that implementation of ~~an~~
21 ~~E911~~ a 911 service plan has been approved by the joint ~~E911~~ 911
22 service board and that collection of the surcharge is to begin
23 within sixty days.

24 (2) The program manager shall also provide notice to all
25 affected public safety answering points.

26 2. *Surcharge collected by local exchange service providers.*

27 a. The surcharge shall be collected as part of the access
28 line service provider's periodic billing to a subscriber. In
29 compensation for the costs of billing and collection, the local
30 exchange service provider may retain one percent of the gross
31 surcharges collected. If the compensation is insufficient to
32 fully recover a local exchange service provider's costs for
33 billing and collection of the surcharge, the deficiency shall
34 be included in the local exchange service provider's costs
35 for ratemaking purposes to the extent it is reasonable and

1 just under [section 476.6](#). The surcharge shall be remitted to
2 the ~~E911~~ 911 service operating authority for deposit into the
3 ~~E911~~ 911 service fund quarterly by the local exchange service
4 provider. The total amount for multiple exchanges may be
5 combined.

6 **b.** A local exchange service provider is not liable for an
7 uncollected surcharge for which the local exchange service
8 provider has billed a subscriber but not been paid. The
9 surcharge shall appear as a single line item on a subscriber's
10 periodic billing entitled, "~~E911~~ 911 emergency communications
11 service surcharge".

12 **c.** The joint ~~E911~~ 911 service board may request, not more
13 than once each quarter, the following information from the
14 local exchange service provider:

15 (1) The identity of the exchange from which the surcharge
16 is collected.

17 (2) The number of lines to which the surcharge was applied
18 for the quarter.

19 (3) The number of refusals to pay per exchange if
20 applicable.

21 (4) Write-offs applied per exchange if applicable.

22 (5) The number of lines exempt per exchange.

23 (6) The amount retained by the local exchange service
24 provider generated from the one percent administration fee.

25 **d.** Access line counts and surcharge remittances are
26 confidential public records as provided in [section 34A.8](#).

27 **3. Maximum limit per subscriber billing for surcharge.** An
28 individual subscriber shall not be required to pay on a single
29 periodic billing the surcharge on more than one hundred access
30 lines, or their equivalent, in an ~~E911~~ a 911 service area. A
31 subscriber shall pay the surcharge in each ~~E911~~ 911 service
32 area in which the subscriber receives access line service.

33 **4. ~~E911~~ 911 service fund.** Each joint ~~E911~~ 911 service board
34 shall establish and maintain as a separate account an ~~E911~~ a
35 911 service fund. Any funds remaining in the account at the

1 end of each fiscal year shall not revert to the general funds
2 of the member political subdivisions, except as provided in
3 subsection 5, but shall remain in the ~~E911~~ 911 service fund.
4 Moneys in an ~~E911~~ a 911 service fund may only be used for
5 nonrecurring and recurring costs of the ~~E911~~ 911 service plan
6 as approved by the program manager, as those terms are defined
7 by [section 34A.2](#).

8 5. *Use of moneys in fund — priority and limitations on*
9 *expenditure.*

10 a. Moneys deposited in the ~~E911~~ a 911 service fund shall be
11 used for the repayment of any bonds issued for the benefit of
12 or loan made to the joint ~~E911~~ 911 service board pursuant to
13 sections 34A.20 through 34A.22, and as long as any such bond
14 or loan remains unpaid the surcharge shall not be reduced or
15 eliminated. Moneys deposited in the fund shall be subject to
16 such terms and conditions as may be contained in the relevant
17 bond documents, trust indenture, resolution, loan agreement, or
18 other instrument pursuant to which bonds are issued or a loan
19 is made, without regard to any limitation otherwise provided
20 by law.

21 b. Moneys deposited in the ~~E911~~ a 911 service fund shall be
22 used for the following, in order of priority if paragraph “a”
23 does not apply:

24 (1) Money shall first be spent for actual recurring costs of
25 operating the ~~E911~~ 911 service plan.

26 (2) If money remains in the fund after fully paying for
27 recurring costs incurred in the preceding year, the remainder
28 may be spent to pay for nonrecurring costs, not to exceed
29 actual nonrecurring costs as approved by the program manager.

30 (3) If money remains in the fund after fully paying
31 obligations under subparagraphs (1) and (2), the remainder may
32 be accumulated in the fund as a carryover operating surplus.

33 6. *Limitation of actions — provider not liable on cause of*
34 *action related to provision of 911 services.* A claim or cause
35 of action does not exist based upon or arising out of an act or

1 omission in connection with a land-line or wireless provider's
2 participation in an ~~E911~~ a 911 service plan or provision of 911
3 or local exchange access service, unless the act or omission is
4 determined to be willful and wanton negligence.

5 Sec. 8. Section 34A.7A, Code 2017, is amended to read as
6 follows:

7 **34A.7A Emergency communications service surcharge — fund**
8 **established — distribution and permissible expenditures.**

9 1. *a.* The director shall adopt by rule a monthly surcharge
10 of one dollar to be imposed on each ~~communications~~ originating
11 service number provided in this state. The surcharge shall
12 be imposed uniformly on a statewide basis and simultaneously
13 on all ~~communications~~ originating service numbers as provided
14 by rule of the director. The surcharge shall not be imposed
15 on wire-line-based communications or prepaid wireless
16 telecommunications service.

17 *b.* The program manager shall provide no less than
18 sixty days' notice of the surcharge to be imposed to each
19 ~~communications~~ originating service provider.

20 *c.* (1) The surcharge shall be collected as part of the
21 ~~communications~~ originating service provider's periodic billing
22 to a subscriber. The surcharge shall appear as a single line
23 item on a subscriber's periodic billing indicating that the
24 surcharge is for ~~E911~~ 911 emergency communications service.

25 (2) In compensation for the costs of billing and collection,
26 the ~~communications~~ originating service provider may retain one
27 percent of the gross surcharges collected.

28 (3) The surcharges shall be remitted quarterly by the
29 ~~communications~~ originating service provider to the program
30 manager for deposit into the fund established in **subsection 2.**

31 (4) ~~A communications~~ An originating service provider
32 is not liable for an uncollected surcharge for which the
33 ~~communications~~ originating service provider has billed a
34 subscriber but which has not been paid.

35 2. Moneys collected pursuant to **subsection 1** and section

1 34A.7B, subsection 2, shall be deposited in a separate ~~E911~~
2 911 emergency communications fund within the state treasury
3 under the control of the program manager. **Section 8.33** shall
4 not apply to moneys in the fund. Moneys earned as income,
5 including as interest, from the fund shall remain in the fund
6 until expended as provided in **this section**. Moneys in the fund
7 shall be expended and distributed in the following priority
8 order:

9 a. An amount as appropriated by the general assembly to the
10 director shall be allocated to the director and program manager
11 for implementation, support, and maintenance of the functions
12 of the director and program manager and to employ the auditor
13 of state to perform an annual audit of the ~~E911~~ 911 emergency
14 communications fund.

15 b. (1) The program manager shall allocate to each joint
16 ~~E911~~ 911 service board and to the department of public safety a
17 minimum of one thousand dollars per calendar quarter for each
18 public safety answering point within the service area of the
19 department of public safety or joint ~~E911~~ 911 service board
20 that has submitted an annual written request to the program
21 manager in a form approved by the program manager by May 15 of
22 each year.

23 (2) The amount allocated under this paragraph "b" shall be
24 sixty percent of the total amount of surcharge generated per
25 calendar quarter allocated as follows:

26 (a) Sixty-five percent of the total dollars available for
27 allocation shall be allocated in proportion to the square miles
28 of the service area to the total square miles in this state.

29 (b) Thirty-five percent of the total dollars available for
30 allocation shall be allocated in proportion to the wireless
31 ~~E911~~ 911 calls taken at the public safety answering point in
32 the service area to the total number of wireless ~~E911~~ 911 calls
33 originating in this state.

34 (c) Notwithstanding subparagraph divisions (a) and (b), the
35 minimum amount allocated to each joint ~~E911~~ 911 service board

1 and to the department of public safety shall be no less than
2 one thousand dollars for each public safety answering point
3 within the service area of the department of public safety or
4 joint ~~E911~~ 911 service board.

5 (3) The funds allocated in this paragraph "b" shall be
6 used by the public safety answering points for the receipt and
7 disposition of 911 calls.

8 c. From July 1, 2013, until June 30, 2026, the program
9 manager shall allocate ten percent of the total amount of
10 surcharge generated to wireless carriers to recover their costs
11 to deliver ~~E911~~ phase 1 services. If the allocation in this
12 paragraph is insufficient to reimburse all wireless carriers
13 for such carrier's eligible expenses, the program manager
14 shall allocate a prorated amount to each wireless carrier
15 equal to the percentage of such carrier's eligible expenses as
16 compared to the total of all eligible expenses for all wireless
17 carriers for the calendar quarter during which such expenses
18 were submitted. When prorated expenses are paid, the remaining
19 unpaid expenses shall no longer be eligible for payment under
20 this paragraph.

21 d. (1) The program manager shall reimburse ~~communications~~
22 originating service providers on a calendar quarter basis for
23 carriers' eligible expenses for transport costs between the
24 selective router and the public safety answering points related
25 to the delivery of wireless ~~E911~~ phase 1 services and the
26 integration of ~~an internet protocol-enabled~~ the next generation
27 911 network.

28 (2) The program manager may also provide grants to joint
29 911 service boards and the department of public safety for the
30 purpose of developing and maintaining GIS data to be used in
31 support of the next generation 911 network.

32 e. The program manager shall reimburse wire-line carriers
33 and third-party ~~E911~~ 911 automatic location ~~information~~
34 identification database providers on a calendar quarterly
35 basis for the costs of maintaining and upgrading the ~~E911~~ 911

1 components and functionalities beyond the input to the ~~E911~~ 911
2 selective router, including the ~~E911~~ 911 selective router and
3 the automatic location ~~information~~ identification database.

4 *f.* The department of homeland security and emergency
5 management may, in a reserve account established within the
6 ~~E911~~ 911 emergency communications fund, credit each fiscal
7 year an amount of up to twelve and one-half percent of the
8 annual 911 emergency communications service surcharge collected
9 pursuant to subsection 1 and the prepaid wireless ~~E911~~ 911
10 surcharge collected pursuant to section 34A.7B, subsection 2.
11 However, the moneys contained in such reserve account shall
12 not exceed twelve and one-half percent of the total surcharges
13 collected for each fiscal year. Moneys credited to the reserve
14 account shall only be used by the department for the purpose of
15 repairing or replacing equipment in the event of a catastrophic
16 equipment failure, as determined by the director.

17 ~~*g.* The program manager shall allocate four million three~~
18 ~~hundred eighty-three thousand dollars to the department of~~
19 ~~public safety in the fiscal year beginning July 1, 2016, and~~
20 ~~ending June 30, 2017, for payments and other costs due under~~
21 ~~a financing agreement entered into by the treasurer of state~~
22 ~~for building the statewide interoperable communications system~~
23 ~~pursuant to section 29C.23, subsection 2.~~

24 ~~*h.*~~ *g.* (1) If moneys remain in the fund after fully paying
25 all obligations under paragraphs "*a*", "*b*", "*c*", "*d*", "*e*", and
26 "*f*", ~~and "*g*"~~, an amount of up to ~~four~~ seven million ~~four hundred~~
27 ~~thousand~~ dollars shall, for the fiscal year beginning July
28 1, ~~2016~~ 2017, and ending June 30, ~~2017~~ 2018, be expended and
29 distributed in the following priority order:

30 (a) (i) The director, in consultation with the program
31 manager and the ~~E911~~ 911 communications council, may provide
32 grants to any public safety answering point agreeing to
33 consolidate. For purposes of this subparagraph division,
34 "*consolidate*" means the consolidation of all public safety
35 answering point systems, functions, ~~enhanced~~ 911 service areas,

1 and physical facilities of two or more public safety answering
2 points, resulting in the consolidated public safety answering
3 point being responsible for all call answering and dispatch
4 functions for the combined enhanced 911 service area, ~~or the~~
5 ~~consolidation of two or more public safety answering points~~
6 ~~utilizing shared services technology to combine public safety~~
7 ~~answering point systems, including but not limited to 911~~
8 ~~call processing equipment, computer-aided dispatch, mapping,~~
9 ~~radio, and logging recorders.~~ Such a grant to a public safety
10 answering point shall not exceed one-half of the projected cost
11 of consolidation, or two hundred thousand dollars, whichever
12 is less.

13 (ii) Grants provided under this subparagraph may, subject
14 to available funding, be provided until June 30, 2022.

15 (iii) The director, in consultation with the program
16 manager and the ~~E911~~ 911 communications council, shall
17 adopt rules governing the eligibility for and the ~~E911~~ 911
18 communications council's distribution of grants to public
19 safety answering points pursuant to this subparagraph division.

20 (b) The program manager, in consultation with the ~~E911~~ 911
21 communications council, shall allocate an amount, not to exceed
22 one hundred thousand dollars per fiscal year, for development
23 of public awareness and educational programs related to the
24 use of 911 by the public, educational programs for personnel
25 responsible for the maintenance, operation, and upgrading of
26 local ~~E911~~ 911 systems, and the expenses of members of the ~~E911~~
27 911 communications council for travel, monthly meetings, and
28 training, provided, however, that the members have not received
29 reimbursement funds for such expenses from another source.

30 (c) The program manager ~~shall~~ may allocate an equal amount
31 of moneys to each public safety answering point for ~~the~~
32 ~~following costs:~~ related to the receipt and disposition of 911
33 calls, including hardware and software for the next generation
34 911 network.

35 ~~(i) Costs related to the receipt and disposition of~~

1 ~~911 calls, including hardware and software for an internet~~
2 ~~protocol-enabled next generation 911 network.~~

3 ~~(ii) Local costs related to access the state's~~
4 ~~interoperable communications system.~~

5 (2) Notwithstanding [section 8.33](#), any moneys remaining in
6 the fund at the end of each fiscal year shall not revert to the
7 general fund of the state but shall remain available for the
8 purposes of the fund.

9 *i.* The director, in consultation with the program manager
10 and the ~~E911~~ 911 communications council, shall adopt rules
11 pursuant to [chapter 17A](#) governing the distribution of
12 the surcharge collected and distributed pursuant to this
13 subsection. The rules shall include provisions that all joint
14 ~~E911~~ 911 service boards and the department of public safety
15 which answer or service wireless ~~E911~~ 911 calls are eligible to
16 receive an equitable portion of the receipts.

17 3. *a.* The program manager shall submit an annual
18 report by January 15 of each year to the general assembly's
19 standing committees on government oversight advising the
20 general assembly of the status of ~~E911~~ 911 implementation and
21 operations, including both wire-line and wireless services, the
22 distribution of surcharge receipts, and an accounting of the
23 revenues and expenses of the ~~E911~~ 911 program.

24 *b.* The program manager shall submit a calendar quarter
25 report of the revenues and expenses of the ~~E911~~ 911 program
26 to the fiscal services division of the legislative services
27 agency.

28 *c.* The general assembly's standing committees on government
29 oversight shall review the priorities of distribution of funds
30 under [this chapter](#) at least every two years.

31 4. The amount collected from ~~a communications~~ an
32 originating service provider and deposited in the fund,
33 pursuant to [section 22.7, subsection 6](#), information provided by
34 ~~a communications~~ an originating service provider to the program
35 manager consisting of trade secrets, pursuant to [section 22.7](#),

1 subsection 3, and other financial or commercial operations
2 information provided by ~~a communications~~ an originating service
3 provider to the program manager, shall be kept confidential as
4 provided under section 22.7. This subsection does not prohibit
5 the inclusion of information in any report providing aggregate
6 amounts and information which does not identify numbers of
7 accounts or customers, revenues, or expenses attributable to an
8 individual ~~communications~~ originating service provider.

9 5. a. The program manager, in consultation with the
10 ~~E911~~ 911 communications council and the auditor of state,
11 shall establish a methodology for determining and collecting
12 comprehensive public safety answering point cost and expense
13 data through the county joint ~~E911~~ 911 service boards. The
14 methodology shall include the collection of data for all costs
15 and expenses related to the operation of a public safety
16 answering point and account for the extent to which identified
17 costs and expenses are compensated for or addressed through
18 ~~E911~~ 911 surcharges versus other sources of funding.

19 b. Data collection pursuant to paragraph "a" shall commence
20 no later than January 1, 2014, and shall be subject to an audit
21 by the auditor of state beginning July 1, 2014. The program
22 manager shall prepare a report detailing the methodology
23 developed and the data collected after such data has been
24 collected for a two-year period. The report and the results of
25 the initial audit shall be submitted to the general assembly by
26 March 1, 2016. A new report regarding data collection and the
27 results of an ongoing audit for each successive two-year period
28 shall be submitted by March 1 every two years thereafter.
29 Expenses associated with the audit shall be paid to the auditor
30 of state by the program manager from the ~~E911~~ 911 emergency
31 communications fund established in subsection 2.

32 c. A county joint ~~E911~~ 911 service board which fails
33 to submit expenses and costs pursuant to the methodology
34 developed pursuant to paragraph "a" by March 31 of each year
35 shall be allocated sixty-five cents out of the one dollar

1 911 emergency communications service surcharge until March
2 31 of the following year. Remaining funds shall be held in
3 the carryover operating surplus fund until the expenses and
4 cost report is submitted by the county joint ~~E911~~ 911 service
5 board. If the county joint ~~E911~~ 911 service board submits the
6 expense and cost report before March 30 of the following year,
7 the set aside funds shall be provided to the county joint ~~E911~~
8 911 service board. If the county joint ~~E911~~ 911 service board
9 fails to submit the expense and cost report within one year,
10 funds shall revert to the carryover operating surplus fund and
11 be used in accordance with subsection 2, paragraph ~~"h"~~ "g".

12 Sec. 9. Section 34A.7B, Code 2017, is amended to read as
13 follows:

14 **34A.7B Prepaid wireless ~~E911~~ 911 surcharge.**

15 1. As used in [this section](#), unless the context otherwise
16 requires:

17 a. *"Consumer"* means a person who purchases prepaid wireless
18 telecommunications service in a retail transaction.

19 b. *"Department"* means the department of revenue.

20 c. *"Prepaid wireless ~~E911~~ 911 surcharge"* means the surcharge
21 that is required to be collected by a seller from a consumer in
22 the amount established under [this section](#).

23 d. *"Provider"* means a person who provides prepaid wireless
24 telecommunications service pursuant to a license issued by the
25 federal communications commission.

26 e. *"Retail transaction"* means the purchase of prepaid
27 wireless telecommunications service from a seller for any
28 purpose other than resale.

29 f. *"Seller"* means a person who sells prepaid wireless
30 telecommunications service to another person.

31 2. There is imposed a prepaid wireless ~~E911~~ 911 surcharge of
32 thirty-three cents on each retail transaction or, on or after
33 the determination of an adjusted rate as determined pursuant to
34 subsection 7, the adjusted rate.

35 3. The prepaid wireless ~~E911~~ 911 surcharge shall be

1 collected by the seller from the consumer with respect to each
2 retail transaction occurring in this state. The amount of the
3 prepaid wireless ~~E911~~ 911 surcharge shall be either separately
4 stated on an invoice, receipt, or other similar document
5 that is provided to the consumer by the seller, or otherwise
6 disclosed to the consumer.

7 4. For purposes of [subsection 3](#), a retail transaction that
8 is effected in person by a consumer at a business location
9 of the seller shall be treated as occurring in this state if
10 that business location is in this state, and any other retail
11 transaction shall be treated as occurring in this state if the
12 retail transaction is treated as occurring in this state for
13 purposes of [section 423.20](#) as that section applies to sourcing
14 of a prepaid wireless calling service.

15 5. The prepaid wireless ~~E911~~ 911 surcharge is the liability
16 of the consumer and not of the seller or of any provider,
17 except that the seller shall be liable to remit all prepaid
18 wireless ~~E911~~ 911 surcharges that the seller collects from
19 consumers as provided in [subsection 3](#), including all such
20 surcharges that the seller is deemed to collect where the
21 amount of the surcharge has not been separately stated on an
22 invoice, receipt, or other similar document provided to the
23 consumer by the seller.

24 6. The amount of the prepaid wireless ~~E911~~ 911 surcharge
25 that is collected by a seller from a consumer, if such amount
26 is separately stated on an invoice, receipt, or other similar
27 document provided to the consumer by the seller, shall not
28 be included in the base for measuring any tax, fee, other
29 surcharge, or other charge that is imposed by this state, any
30 political subdivision of this state, or any intergovernmental
31 agency.

32 7. The prepaid wireless ~~E911~~ 911 surcharge shall be
33 increased or reduced, as applicable, in an amount proportionate
34 to any change to the surcharge imposed under section 34A.7A,
35 subsection 1. The proportional increase or reduction shall

1 be effective on the first day of the calendar month after the
2 effective date of the change to the surcharge imposed under
3 section 34A.7A, subsection 1. The department shall provide
4 not less than thirty days' advance notice of such increase or
5 reduction on the department's internet site.

6 8. If a minimal amount of prepaid wireless
7 telecommunications service is sold with a prepaid wireless
8 device for a single, nonitemized price, the seller may elect
9 not to apply the prepaid wireless ~~E911~~ 911 surcharge to the
10 retail transaction. For purposes of [this subsection](#), an amount
11 of service denominated as ten minutes or less, or five dollars
12 or less, shall be regarded as a minimal amount of service.

13 9. Prepaid wireless ~~E911~~ 911 surcharges collected by
14 sellers shall be remitted to the department at the times and in
15 the manner provided by [chapter 423](#) with respect to the sales
16 and use tax. The department shall establish registration
17 and payment procedures that substantially coincide with the
18 registration and payment procedures that apply to sellers under
19 chapter 423.

20 10. A seller may deduct and retain three percent of prepaid
21 wireless ~~E911~~ 911 surcharges that are collected by the seller
22 from consumers.

23 11. The audit, appeal, collection, and enforcement
24 procedures and other pertinent provisions applicable to the
25 sales and use tax imposed under [chapter 423](#) shall apply to
26 prepaid wireless ~~E911~~ 911 surcharges.

27 12. The department shall establish procedures by which
28 a seller of prepaid wireless telecommunications service
29 may document that a sale is not a retail transaction, which
30 procedures shall substantially coincide with the procedures for
31 documenting sale for resale transactions under [chapter 423](#).

32 13. The department shall transfer all remitted prepaid
33 wireless ~~E911~~ 911 surcharges to the treasurer of state for
34 deposit in the ~~E911~~ 911 emergency communications fund created
35 under [section 34A.7A, subsection 2](#), within thirty days of

1 receipt after deducting an amount, not to exceed two percent of
2 collected surcharges, that shall be retained by the department
3 to reimburse its direct costs of administering the collection
4 and remittance of prepaid wireless ~~E911~~ 911 surcharges.

5 14. The limitation of actions provisions under section
6 34A.7, subsection 6, shall apply to providers and sellers of
7 prepaid wireless telecommunications service. In addition,
8 a provider or seller of prepaid wireless telecommunications
9 service shall not be liable for damages to any person resulting
10 from or incurred in connection with the provision of any lawful
11 assistance to any investigative or law enforcement officer of
12 the United States, this or any other state, or any political
13 subdivision of this or any other state, in connection with any
14 lawful investigation or other law enforcement activity by such
15 investigative or law enforcement officer.

16 15. The prepaid wireless ~~E911~~ 911 surcharge imposed
17 pursuant to [this section](#) shall be the only ~~E911~~ 911 funding
18 obligation imposed with respect to prepaid wireless
19 telecommunications service in this state, and no tax, fee,
20 surcharge, or other charge shall be imposed by this state, any
21 political subdivision of this state, or any intergovernmental
22 agency, for ~~E911~~ 911 funding purposes, upon any provider,
23 seller, or consumer with respect to the sale, purchase, use, or
24 provision of prepaid wireless telecommunications service.

25 Sec. 10. Section 34A.8, Code 2017, is amended to read as
26 follows:

27 **34A.8 Local exchange service information — penalty.**

28 1. A local exchange service provider shall furnish to the
29 ~~E911~~ 911 service provider, designated by the joint ~~E911~~ 911
30 service board, all names, addresses, and telephone number
31 information concerning its subscribers which will be served
32 by the ~~E911~~ 911 system and shall periodically update the
33 local exchange service information. The ~~E911~~ 911 service
34 provider shall furnish the addresses and telephone number
35 information received from the local exchange service provider

1 to the director for use in the mass notification and emergency
2 messaging system as defined in [section 29C.2](#). The local
3 exchange service provider shall receive as compensation for
4 the provision of local exchange service information charges
5 according to its tariffs on file with and approved by the Iowa
6 utilities board. The tariff charges shall be the same whether
7 or not the local exchange service provider is designated as the
8 ~~E911~~ 911 service provider by the joint ~~E911~~ 911 service board.

9 2. a. Subscriber information remains the property of the
10 local exchange service provider.

11 b. The director, program manager, joint ~~E911~~ 911 service
12 board, local emergency management commission established
13 pursuant to [section 29C.9](#), the designated ~~E911~~ 911 service
14 provider, and the public safety answering point, their agents,
15 employees, and assigns shall use local exchange service
16 information provided by the local exchange service provider
17 solely for the purposes of providing ~~E911~~ 911 emergency
18 telephone service or providing related mass notification and
19 emergency messaging services as described in [section 29C.17A](#)
20 utilizing only the subscriber's information, and it shall
21 otherwise be kept confidential. A person who violates this
22 section is guilty of a simple misdemeanor.

23 c. [This chapter](#) does not require a local exchange service
24 provider to sell or provide its subscriber names, addresses, or
25 telephone number information to any person other than the ~~E911~~
26 911 service provider designated by the joint ~~E911~~ 911 service
27 board.

28 Sec. 11. Section 34A.10, Code 2017, is amended to read as
29 follows:

30 **34A.10 ~~E911-selective-router~~ Next generation 911 network**
31 **access.**

32 On and after July 1, ~~2004~~ 2017, only the program manager
33 shall approve access to the ~~E911-selective-router~~ next
34 generation 911 network.

35 Sec. 12. Section 34A.11, Code 2017, is amended to read as

1 follows:

2 **34A.11 Communications — single point-of-contact.**

3 1. The joint ~~E911~~ 911 service board in each enhanced 911
4 service area shall designate a person to serve as a single
5 point-of-contact to facilitate the communication of needs,
6 issues, or concerns regarding emergency communications,
7 interoperability, and other matters applicable to emergency
8 ~~E911~~ 911 communications and migration to ~~an internet~~
9 ~~protocol-enabled~~ the next generation 911 network. The person
10 designated as the single point-of-contact shall be responsible
11 for facilitating the communication of such needs, issues, or
12 concerns between public or private safety agencies within
13 the service area, the ~~E911~~ 911 program manager, the ~~E911~~
14 911 communications council, the statewide interoperable
15 communications system board established in [section 80.28](#),
16 and any other person, entity, or agency the person deems
17 necessary or appropriate. The person designated shall also
18 be responsible for responding to surveys or requests for
19 information applicable to the service area received from a
20 federal, state, or local agency, entity, or board.

21 2. In the event a joint ~~E911~~ 911 service board fails to
22 designate a single point-of-contact by November 1, 2013, the
23 chairperson of the joint ~~E911~~ 911 service board shall serve in
24 that capacity. The ~~E911~~ 911 service board shall submit the
25 name and contact information for the person designated as the
26 single point-of-contact to the ~~E911~~ 911 program manager by
27 January 1 annually.

28 3. The provisions of [this section](#) shall be equally
29 applicable to an alternative legal entity created pursuant to
30 chapter 28E if such an entity is established as an alternative
31 to a joint ~~E911~~ 911 service board as provided in section
32 34A.3. If such an entity is established, the governing body
33 of that entity shall designate the single point-of-contact for
34 the entity, and the chairperson or representative official
35 of the governing body shall serve in the event a single

1 point-of-contact is not designated.

2 Sec. 13. Section 34A.15, subsection 1, unnumbered paragraph
3 1, Code 2017, is amended to read as follows:

4 ~~An E911~~ A 911 communications council is established. The
5 council consists of the following ~~thirteen~~ fourteen members:

6 Sec. 14. Section 34A.15, subsection 1, Code 2017, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. 1. One person appointed by the Iowa
9 geographic information council established by executive order
10 of the governor.

11 Sec. 15. Section 34A.20, Code 2017, is amended to read as
12 follows:

13 34A.20 ~~E911~~ 911 financing program — definitions — funding
14 — bonds and notes.

15 1. As used in this subchapter, unless the context otherwise
16 requires, “*authority*” means the Iowa finance authority.

17 2. The authority shall cooperate with the director in the
18 creation, administration, and funding of the ~~E911~~ 911 program
19 established in subchapter I.

20 3. The authority may issue its bonds and notes for the
21 purpose of funding ~~E911~~ 911 nonrecurring and recurring costs of
22 one or more ~~E911~~ 911 service areas.

23 4. The authority may issue its bonds and notes for the
24 purposes of this chapter and may enter into one or more lending
25 agreements or purchase agreements with one or more bondholders
26 or noteholders containing the terms and conditions of the
27 repayment of and the security for the bonds or notes. The
28 authority and the bondholders or noteholders or a trustee
29 agent designated by the authority may enter into agreements to
30 provide for any of the following:

31 a. That the proceeds of the bonds and notes and the
32 investments of the proceeds may be received, held, and
33 disbursed by the authority or by a trustee or agent designated
34 by the authority.

35 b. That the bondholders or noteholders or a trustee or

1 agent designated by the authority may collect, invest, and
2 apply the amount payable under the loan agreements or any
3 other instruments securing the debt obligations under the loan
4 agreements.

5 *c.* That the bondholders or noteholders may enforce the
6 remedies provided in the loan agreements or other instruments
7 on their own behalf without the appointment or designation of a
8 trustee. If there is a default in the principal of or interest
9 on the bonds or notes or in the performance of any agreement
10 contained in the loan agreements or other instruments, the
11 payment or performance may be enforced in accordance with the
12 loan agreement or other instrument.

13 *d.* Other terms and conditions as deemed necessary or
14 appropriate by the authority.

15 5. The powers granted the authority under [this section](#) are
16 in addition to other powers contained in [chapter 16](#). All other
17 provisions of [chapter 16](#), except section 16.28, subsection
18 4, apply to bonds or notes issued and powers granted to the
19 authority under [this section](#), except to the extent they are
20 inconsistent with [this section](#).

21 6. All bonds or notes issued by the authority in connection
22 with the program are exempt from taxation by this state and the
23 interest on the bonds or notes is exempt from state income tax,
24 both personal and corporate.

25 Sec. 16. Section 34A.21, subsection 1, paragraph c, Code
26 2017, is amended to read as follows:

27 *c.* The amounts on deposit in the ~~E911~~ 911 service fund of
28 a joint ~~E911~~ 911 service board, including, but not limited to
29 revenues from a local option ~~E911~~ 911 service surcharge.

30 Sec. 17. PLAN FOR CONSOLIDATION OF NEXT GENERATION 911
31 NETWORK. The department of homeland security and emergency
32 management shall develop a plan that identifies the process
33 required to combine the wireline 911 network with the next
34 generation 911 network. The plan shall describe anticipated
35 costs associated with the development, deployment, operation,

1 and maintenance of the combined next generation 911 network,
2 and how the surcharges provided in chapter 34A may support
3 implementation of such plan. The plan shall provide for the
4 combined next generation 911 system to utilize shared services
5 technology for the virtual consolidation of public safety
6 answering point call processing equipment. The plan shall
7 include suggested amendments to chapter 34A that may be needed
8 to allow the implementation of the plan. The department shall
9 submit the plan to the general assembly no later than January
10 15, 2018.

11

EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill modifies several provisions in Code chapter 34A
15 that relate to 911 emergency telephone communication systems.

16 The bill makes several changes to the terminology used in
17 Code chapter 34A. The bill replaces the word "E911" with "911"
18 throughout Code chapter 34A, except in certain circumstances.
19 The bill removes the word "enhanced" from the definitions of
20 "enhanced 911 service area" and "enhanced 911 service plan",
21 and removes the word "enhanced" in all corresponding uses of
22 these terms in Code chapter 34A. "Enhanced" is also removed
23 from all uses of the term "enhanced 911 emergency telephone
24 communication systems" in Code chapter 34A. The bill replaces
25 the word "E911" with "911" throughout Code chapter 34A, except
26 in certain circumstances. The bill defines "emergency services
27 internet protocol network" or "ESInet" to mean a system using
28 broadband technology capable of transmitting varying types of
29 data that can be shared by all public safety agencies involved
30 in an emergency. The bill defines "geographic information
31 system" or "GIS" to mean a system designed to capture, store,
32 manipulate, analyze, and present spatial or geographical
33 data. The bill defines "next generation 911 network" to mean
34 an internet protocol-enabled system that allows the public
35 to transmit digital information to public safety answering

1 points (PSAPs) and that replaces enhanced 911. The bill
2 replaces all references to an "internet protocol enabled next
3 generation network" contained in Code chapter 34A with "next
4 generation 911 network". The bill defines "originating service
5 provider" to mean a communications provider that allows its
6 users to originate 911 messages from the public to public
7 safety answering points. The bill removes the definition of
8 "communications service provider" and replaces "communications
9 service provider" with "originating service provider" in all
10 corresponding uses of this term in Code chapter 34A. The bill
11 adds a definition of "voice over internet protocol service" to
12 mean the same as defined in Code section 68A.506.

13 The bill modifies several provisions in Code section 34A.7A,
14 which relates to the distribution and permissible expenditures
15 of the 911 emergency communications service surcharge. The
16 bill allows the 911 program manager to provide grants to 911
17 service boards and the department of public safety (DPS) to
18 develop and maintain GIS data to support a next generation
19 911 network. The bill removes the allocation of \$4,383,000
20 to DPS for costs due under a financing agreement to build
21 the statewide interoperable communications system. The bill
22 allocates \$7 million for distribution to the obligations listed
23 in Code section 34A.7A(2)(h) for the fiscal year beginning July
24 1, 2017. The bill limits the definition of consolidate with
25 respect to grants provided to PSAPs agreeing to consolidate.
26 The bill makes appropriations to PSAPs for costs related to
27 the receipt and disposition of 911 calls optional, which may
28 include costs related to access the state's interoperable
29 communications system, and removes the specific allocation
30 to PSAPs for local costs related to access the state's
31 interoperable communications system.

32 The bill adds a fourteenth member to the 911 communications
33 council who is to be appointed by the Iowa geographic
34 information council.

35 The bill requires the department of homeland security

1 and emergency management to develop a plan to combine the
2 wireline 911 network with the next generation 911 network. The
3 plan must describe anticipated costs, use of surcharges, and
4 utilization of shared services technology. The plan must also
5 include suggested amendments to Code chapter 34A to allow the
6 implementation of the plan. The department must submit the
7 plan to the general assembly no later than January 15, 2018.